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Letter dated 13 February 2003 from the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism addressed to the President of the Security Council

The Counter-Terrorism Committee has received the attached report from Equatorial Guinea (see annex) submitted pursuant to paragraph 6 of resolution 1373 (2001).

I should be grateful if you could arrange for the present letter and its annex to be circulated as a document of the Security Council.

(*Signed*) Jeremy **Greenstock**
Chairman
Counter-Terrorism Committee

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Annex

Letter dated 11 February 2003 from the Deputy Permanent Representative of Equatorial Guinea to the United Nations addressed to the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism

[Original: Spanish]

Following the meeting held at United Nations Headquarters on 11 December 2002 with Ambassador Curtis A. Ward, Adviser on Technical Assistance to the Counter-Terrorism Committee, I have the honour to transmit to you the attached provisional report of Equatorial Guinea on measures for the implementation of Security Council resolution 1373 (2001) on combating international terrorism and transnational crime (see enclosure).

As the report indicates, the Government of Equatorial Guinea formally requests technical, legal and financial assistance from the Committee and would welcome its cooperation in order to complete the preparation of the report in order to comply fully with the terms of paragraph 6 of resolution 1373 (2001).

(*Signed*) Antonio **Ebale Ayingono**
Ambassador
Deputy Permanent Representative

Enclosure

Measures for the implementation of Security Council resolution 1373 (2001) on combating international terrorism and transnational crime

Report of the Government of Equatorial Guinea

Malabo
December 2002

I. Introduction and background

1. Following the terrorist attacks on 11 September 2001, which caused unprecedented shock and indignation throughout the world, and which His Excellency Teodoro Obiang Nguema Mbasogo, President of Equatorial Guinea, witnessed directly and experienced in person, as he was on a visit to the United States of America on that date, the Government of Equatorial Guinea, on the basis of resolutions 1269 (1999) of 19 October 1999 and 1368 (2001) of 12 September 2001, immediately became more aware of the serious threat constituted by the phenomenon of terrorism to international peace and security, and indicated its full readiness to cooperate, with the scant means at its disposal, in combating terrorism.

2. As preliminary and general considerations for the preparation of this report, it is appropriate to note that during the period prior to those dramatic events the Government of Equatorial Guinea, through the competent State services, did not record with certainty or have at its disposal key elements of concrete evidence for considering the degree of risk and confirming the existence of terrorist links or connections in Equatorial Guinea, or that the national territory might constitute a possible focus of terrorist activities and the intolerance brought about by religious fundamentalism.

3. On the other hand, with the liberalization of the national economy in recent decades, Equatorial Guinea has been experiencing an increasing and progressive influx of foreign communities of various nationalities engaging in commercial activities, prominent among which are small colonies of Lebanese, Nigerians, Malians, Senegalese and Beninese, among others. To date, nevertheless, the Government has no evidence of a possible connection between their activities and the economic and financial networks of terrorism.

4. Meanwhile, the Government has become fully aware that the growing increase in private investment from the United States in activities in the oil sector and its present and future production and transformation facilities and the existence of other major interests of western countries in Equatorial Guinea indicate the need to design and adopt supporting measures, advisory services, technical assistance and cooperation with Equatorial Guinea to back the Government's efforts to put into effect domestic and international mechanisms and strategies to prevent and suppress the activities of international terrorism in accordance with the law, in that because of these interests Equatorial Guinea might become a potential target for terrorist activities.

5. Accordingly, the Government of Equatorial Guinea formally, explicitly and concretely requests technical and legal assistance from the Security Council Committee established pursuant to resolution 1373 (2001) in order that it may cooperate fully with the Committee in the most appropriate formulation and submission of the present report on measures the States Members of the United Nations may take, at the domestic and international levels, to combat terrorism, without prejudice to the following activities and steps undertaken by the Government in this connection.

II. Action at the national level

6. In relation to combating terrorism, the Government bears in mind the particular and very complex territorial configuration of Equatorial Guinea, with its division into a continental part and a number of islands, as well as the country's geographical and geostrategic location in the Gulf of Guinea, as a result of which all these parts of the maritime and continental national territory need to be provided with mechanisms capable of detecting and monitoring possible terrorist activities in the country, as well as of ensuring protection of all national and foreign interests.

7. In the light of the foregoing, the Government of Equatorial Guinea strongly and unreservedly condemned the terrorist attacks that took place in Washington, New York and Pennsylvania on 11 September 2001; the Government and Parliament adopted public and institutional declarations rejecting and condemning terrorism, and multidenominational services expressing support and solidarity with the United States of America were organized throughout the country.

8. With the same rigour and firmness, the Government of Equatorial Guinea strongly condemned each and every one of the criminal terrorist attacks perpetrated against various countries in the Americas, Europe, Asia and Africa.

9. Since the terrorist attacks of 11 September 2001, the Government of Equatorial Guinea has, despite the shortcomings and the lack of appropriate means, promoted and encouraged constant mobilization of all competent State institutions and services to devise and adopt in conformity with the law all possible police, judicial, economic, administrative and financial arrangements aimed at contributing, within the framework of the international alliance of solidarity, to preventing, combating and suppressing the activities of terrorism and transnational organized crime in all their forms and manifestations.

10. Accordingly, the departments dealing with the administration of justice, the national armed forces, the State security bodies and the agencies responsible for administration and economic and financial services have been instructed, within their spheres of competence as laid down by law, to promote appropriate activities for combating and suppressing the networks and connections of international terrorism and transnational crime.

11. Specifically, the competent police and immigration services are working intensively, in accordance with the law, to regulate the entry, sojourn and residence of foreigners in Equatorial Guinea and to apply controls to ensure the exercise of their legal activities there and the protection of their interests within the framework of the measures designed to prevent and combat terrorism.

III. Action at the subregional and regional levels

12. In response to the terrorist attacks of 11 September and in the context of his activities as current chairman of the Economic Community of Central African States, the President of Equatorial Guinea took the initiative of promoting consultation and coordination within the Central African subregion with a view to cohesive and effective action by the States of the subregion to combat terrorism and transnational crime in all their forms and manifestations in the light of the subregion's geographical location and economic and strategic interests.

13. In the same spirit, the Government of Equatorial Guinea has acceded to and ratified the following conventions and instruments of the African Union for the prevention and combating of terrorism and transnational crime:

(a) OAU Convention on the Prevention and Combating of Terrorism;

(b) OAU Convention for the Elimination of Mercenarism in Africa;

(c) African Nuclear-Weapon-Free Zone Treaty;

(d) African Charter on the Rights and Welfare of the Child.

IV. Action at the international level

14. The Government of Equatorial Guinea reaffirms that the adoption of Security Council resolution 1373 (2001) was a milestone which affords Member States a better understanding of the phenomenon and of the efforts needed from them to combat and suppress all manifestations of international terrorism and transnational organized crime.

15. The Government of Equatorial Guinea also expresses its full support for the principle that, in conformity with the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations[a] and Security Council resolution 1189 (1998), every State has the duty to refrain from organizing, instigating, assisting or participating in terrorist acts in another State or acquiescing in organized activities within its territory directed towards the commission of such acts.

16. The Government of Equatorial Guinea also understands that, in conformity with the Charter of the United Nations, States have the obligation to combat threats to international peace and security in any region of the world with all the means at their disposal. To this end, measures need to be adopted by all legal means available to prevent and suppress in their territories the financing and preparation of terrorist acts, as well as to increase cooperation and implement the international agreements against terrorism, and especially to accede to the relevant international agreements and protocols relating to terrorism.

17. In this spirit, independently of the actions and measures taken at the national level and within the framework of subregional cooperation, the President of the Republic, His Excellency Teodoro Obiang Nguema Mbasogo, has personally reaffirmed the unequivocal position of Equatorial Guinea in the effort to combat terrorism and has repeatedly referred to the challenges posed for Equatorial Guinea by the phenomenon of terrorism in all aspects.

18. This position of Equatorial Guinea has repeatedly been expressed in various international forums, and personally by the President of the Republic on the occasion of the meeting with the President of the United States, George Walker Bush, held with the heads of State of Central Africa in New York during the fifty-fifth regular session of the General Assembly and the commemoration of the first anniversary of the terrorist attacks on the United States on 11 September 2001, with emphasis on the need to assist, support and protect Equatorial Guinea against the serious threat posed by the phenomenon of international terrorism and transnational crime.

19. In this connection, in the context of its firm resolve to cooperate with the efforts of the international community, the Government of Equatorial Guinea has ratified and acceded to the following universal conventions relating to combating terrorism and transnational crime:

(a) Convention on Offences and Certain Other Acts Committed on Board Aircraft;

(b) Convention for the Suppression of Unlawful Seizure of Aircraft;

(c) Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation;

(d) Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents;

(e) International Convention against the Taking of Hostages;

(f) Convention on the Physical Protection of Nuclear Material;

(g) Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation, supplementary to the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation;

(h) Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation;

(i) Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf;

(j) Convention on the Marking of Plastic Explosives for the Purpose of Detection;

(k) International Convention for the Suppression of Terrorist Bombings;

(l) International Convention for the Suppression of the Financing of Terrorism.

V. Conclusion

20. By tradition and vocation, Equatorial Guinea has been and wishes to continue to be an eminently peaceful country and a nation in which peace, harmony, security and stability prevail, and hopes to retain this inestimable privilege as a gift of Mother Nature to the character and nobility of its people. Accordingly, the threat posed by the phenomenon of international terrorism and transnational crime

constitutes a genuine challenge to the people of Equatorial Guinea in its will to preserve and strengthen these values as a mark of its national identity.

21. Consequently, reaffirming its firm resolve to contribute with the means at its disposal to the international community's efforts to combat terrorism and organized crime, it reiterates its strong interest in cooperating with the Counter-Terrorism Committee in the preparation of the report on the measures Member States may take to combat terrorism, for the purpose of complying fully with the terms of Security Council resolution 1373 (2001).

Notes

[a] General Assembly resolution 2625 (XXV), annex.